

Application No. 10/719,559
Amendment dated August 14, 2006
Reply to Office Action of May 18, 2006

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on May 18 2006, and the references cited therewith.

Claims 1, 10, 24, and 25 are amended, claim 11 is canceled, claims 15-23, and 26-44 are withdrawn, and no claims are added; as a result, claims 1-10 and 12-44 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1-4, 7, 8, 10, 24, and 25 were rejected under 35 USC § 102(b) as being anticipated by Inoue, et al. (U.S. Patent No. 3,835,297). Applicant respectfully traverses the rejection as follows.

The Inoue reference appears to describe, "a device for recording and reproducing color codes formed on a photographed microfilm." (Col. 1, lines 13-14). The reference does not show providing with a printing device an eye mark having at least two sections arranged along a longitudinal axis, wherein each section includes a border common to both sections and a unique characteristic relative to other sections, and encoding instructions in the eye mark based upon the combination of the at least two sections.

In contrast, Applicant's independent claim 1, as amended, recites:

providing with a printing device an eye mark having at least two sections arranged along a longitudinal axis, wherein each section includes a border common to both sections and a unique characteristic relative to other sections; and
encoding instructions in the eye mark based upon the combination of the at least two sections.

In addition, independent claim 25, as amended, recites:

providing an eye mark, with a printing device on a print media, having at least two color sections positioned along a longitudinal axis for parallel sensing, wherein each color section includes a border common to both sections and includes a different color characteristic relative other color sections; and
encoding instructions in the eye mark based on the different color characteristics.

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As stated above, the Inoue reference appears to describe, "a device for recording and reproducing color codes formed on a photographed microfilm." (Col. 1, lines 13-14). The reference does not show encoding instructions in the eye mark based on the different color characteristics, wherein the encoded instructions further include a processing instruction.

In contrast, Applicant's independent claim 10, as amended, recites, "encoding instructions in the eye mark based on the different color characteristics, wherein the encoded instructions further include a processing instruction."

In addition, independent claim 24, as amended, recites, "encoding instructions in the eye mark based upon the combination of the at least two sections, wherein the encoded instructions further include a processing instruction."

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 10, and 24-25 is not present in the Inoue reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of independent claims 1, 10, and 24-25, as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Inoue, et al. (U.S. Patent No. 3,835,297) as applied to claims 1-4, 7, 8, 10, 24, and 25. Applicant respectfully traverses the rejection as follows.

Claim 5 depends from independent claim 1. Applicant respectfully submits that independent claim 1, as amended, is in condition for allowance. Accordingly, Claim 5 is also deemed allowable and Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of dependent claim 5.

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Allowable Subject Matter

Claims 6, 9, and 11-12 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges that allowable subject matter was found in dependent claims 6, 9, and 11-12. Applicant has endeavored to incorporate allowable subject matter from dependent claim 11 into independent claims 10 and 24. Dependent claim 11 has been canceled.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on

8/14/2006

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8/14/06